

U.S. Patent Application Serial No. 10/540,274
Amendment filed September 21, 2007
Reply to OA dated June 25, 2007

REMARKS

Claims 1 - 8 are currently pending in this patent application, claim 1 being an independent claim.

Claims 1 and 5 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated June 25, 2007.

At the outset, the applicant thank the Examiner for indicating that claims 2 - 4, 6 and 8 contain allowable subject matter, and would be allowable if amended in the manner suggested on page 4 of the outstanding Action.

However, claim 1 remains rejected under 35 U.S.C. § 103(a) as being obvious over Wallace (U.S. Patent No. 6,191,703) in view of Snyder (U.S. Patent No. 5,942,988). The applicants respectfully request reconsideration of this rejection.

(1) The Examiner asserts that Wallace discloses the claimed “activation limiting means for limiting an activation of said predetermined theft preventing function when a current supply to said in-vehicle electric equipment by said in-vehicle equipment current supplying means is started” in a passage at col. 1, line 67 through col. 2, line 2 of Wallace. This passage reads, “Disable means disables the remote control means in response to the signal indicating the transmitter means proximately located to the sensor means.” It is the applicants’ position that the Examiner’s position is improper in rejecting the claim language over the cited portion of the reference, which is seen to have little relation to the claim language when interpreted in view of Wallace’s disclosure, as discussed mover fully below in the next paragraph.

Fig. 2 of Wallace shows a DISABLE 110 which is part of a radio receiver 46. The remote control means and transmitter appears to be in the key 16. The “transmitter means proximately located to the sensor means” appears to refer to the key being in or near the keyhole of the ignition switch 64, where it is sensed by the interrogation coil 62 (col. 5, lines 5-15). Wallace writes (col. 6, line 10), “The transponder 58 [i.e., the key] must be within range of the interrogation coil 62 for the interrogation sequence to occur.” At col. 6, line 28, Wallace writes, “when the security code of the key matches the security code [of the vehicle], the immobilizer control outputs the engine enable message” (that is, the engine is permitted to start). Wallace continues at line 38, “In response to ... the engine enable message ... the disable function 110 ... is activated to disable performance of the remote convenience functions (e.g., lock and unlock).” This means that the key buttons for lock,

unlock, and panic will not function when the key is in the keyhole (col. 6, lines 44-54).

Wallace's disclosure shows that the applied passage at col. 1, line 67 through col. 2, line 2, refers to disabling the buttons on a key, and has no relation whatsoever to limiting a theft prevention function.

(2) The Examiner asserts that Wallace discloses "means for supplying an electric current to an in-vehicle electric equipment under a condition where said collation is completed before an engine start is performed by said start device in the vehicle," but provides no citation. The applicants do not however see this feature in Wallace.

(3) The Examiner relies on Snyder for disclosing "limiting [the] theft preventing function when a current supply to said in-vehicle electric equipment ... is started." The Examiner points out Snyder's current sensor 24, but does not explain why the sensor should be added to Wallace's system or how the combination would work. Snyder is directed to remote starting, and its invention is to shut down the engine if the operator is not present (e.g., has forgotten that the engine is running). If *arguendo* Wallace were combined with Snyder as the Examiner proposes, the result would be to add a remote-starting button to the key 16 of Wallace (in addition to lock, unlock, and panic buttons). The applicants submit that such a combination is not obvious because the Wallace requires the presence of the key at the interrogation coil 62 for theft-prevention (col. 4, lines 32-34), which

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is contrary to the teachings of Snyder.

In view of the above, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. § 103(a) as being obvious over Wallace (U.S. Patent No. 6,191,703 in view of Snyder (U.S. Patent No. 5,942,988) is in order, and is therefore respectfully solicited.

Further, claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious over Wallace, Snyder, and Johnson (U.S. Patent No. 5,977,654). The applicants respectfully request reconsideration of this rejection.

Claim 5 recites a push-type start starter switch. The Examiner applies the push-button switch on Johnson's fob 60, which is a remote transmitter. However, the applicants' starter switch is activated in the usual way, by rotating the ignition key. This understanding is supported in the applicants' specification, which states, "It should be noted that the push start switch 26 may be configured to be integral with the ignition key cylinder" (page 8, line 4). In the U.S., the word "push" usually implies a force exerted in one direction, and not a twist or torque. In order to help expedite the processing of this application to issuance, the applicants, in addition to their traversal of the cited prior art, have amended claim 5 to recite a "momentary-contact" switch instead of a "push" switch.

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Johnson's system stops the vehicle by draining the battery if it has been started without authorization, and authorization is provided by the fob 60. See, the top of Johnson's Fig. 3 and the description starting at col. 10, line 27 in Johnson. The fob 60 does not start the engine; it only stops the engine. There is nothing in Johnson relating to starting the engine, and therefore the applicants disagree with the rejection.

In view of the above, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. § 103(a) as being obvious over Wallace, Snyder, and Johnson (U.S. Patent No. 5,977,654) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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